

STATE OF WASHINGTON

OFFICE OF
INSURANCE COMMISSIONERBEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON

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In the Matter of) No. D 99 - 3

)

James Fisher,) ORDER REVOKING LICENSE
Licensee.)

To: James Fisher

2103 Southbay Place NE

Tacoma, WA 98422

IT IS ORDERED AND YOU ARE HEREBY NOTIFIED that your licenses are REVOKED, effective February 9, 1999, pursuant to RCW 48.17.530 and 48.17.540(2).

THIS ORDER IS BASED ON THE FOLLOWING GROUNDS:

1. You, in your capacity as owner and general manager of Family Fun, LLC, did not maintain a separate premium account into which to place money representing premiums or return premiums. Premiums received from Robert Allen, Sherrie Altenburg, and others were deposited into other accounts and not into the required separate account. Premiums so deposited total approximately \$16,063.43, more or less, in 1997 and approximately \$75,185.10, more or less, in 1998. The failure to maintain such an account and to deposit premiums and return premiums into it, and the depositing of premiums into other accounts, in each case violated RCW 48.17.600 and WAC 284-12-080.

2. You, in your capacity as owner and general manager of Family Fun, LLC, failed to remit premiums to the insurance company promptly. You received premiums from Robert Allen, Brian Bacetti, and others which you did not remit to the insurance company. That failure to remit promptly violated, in each case, RCW 48.17.480.

3. In the cases where you failed to remit, no insurance was obtained for those people; thus, you collected premium and insurance was not provided, which in each case violated RCW 48.30.190.

4. In the cases of Thomas Ferguson and Jens Pedersen and perhaps others, you failed to provide the insured debtors with the insurance certificate, which in each case violated RCW 48.34.090.

5. You failed to respond promptly to the letters of September 2, 1998, and October 2, 1998, to you from the Office of the Insurance Commissioner, in each case violating RCW 48.17.475.

The above conduct constitutes wilful violation, or knowing participation in the violation, of the Insurance Code or proper orders or regulations of the Commissioner within the meaning of RCW 48.17.530(1)(b). By the above conduct, you have shown yourself to be incompetent or untrustworthy or a source of injury and loss to the public within the meaning of RCW 48.17.530(1)(h).

IT IS FURTHER ORDERED that you return your insurance agent's license certificate or certificates to the Commissioner on or before, the effective date of the revocation of your license, as required by RCW 48.17.530(4).

NOTICE CONCERNING YOUR RIGHT TO A HEARING. If you are aggrieved by this Order, RCW 48.04.010 permits you to demand a hearing. Pursuant to that statute and others: You must demand a hearing, in writing, within 90 days after this Order was mailed to you, or your right to a hearing will be deemed to have been waived. Your demand for a hearing must specify in what respects you are aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing. If your demand for a hearing is received by the commissioner before the effective date of the revocation, the revocation will be stayed pending the hearing, pursuant to RCW 48.04.020. Upon receipt of a demand for hearing, the commissioner will mail you a notice concerning the time, place, and details of the hearing. You are advised that the commissioner may levy a fine against you, pursuant to RCW 48.17.560, in addition to or in lieu of the suspension or revocation of your license, in the event of a hearing, if any grounds relied upon in this Order are sustained. Please send any demand for hearing to Insurance Commissioner, attn William Frandsen, Deputy Commissioner, Post Office Box 40257, Olympia, WA 98504.

ENTERED AT LACEY, WASHINGTON, on January 20, 1999.

DEBORAH SENN

Insurance Commissioner

By

WILLIAM E. FRANDSEN

Deputy Commissioner

Investigator: Cheryl Penn

